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May 26, 2006

Via Electronic Filing and Courier to
Mellon Bank

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Request for Waiver of the Replication/Maximization Interference
Protection Deadline and for extension of Special Temporary Authority
(STA), File No. BEDSTA-20050928ARI
WFGX-DT, Fort Walton Beach, FL (FIN: 6554)
MB Docket No. 03-15**

Dear Ms. Dortch:

By this letter, WFGX Licensee, LLC, the permittee of WFGX-DT, Fort Walton Beach, FL ("WFGX"), hereby requests a waiver of the July 1, 2006 replication/maximization interference protection deadline and an extension of its current STA to operate at low power. *See In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279, at ¶ 78 (2004); *see also* Public Notice, DA 05-1636 (June 15, 2005). As discussed in detail below, a waiver is warranted here because the commencement of full-power operations has been delayed by severe hurricane weather and other factors beyond the station's control, and because the public interest would be served by grant of the waiver.

In September 2004, after a lengthy rulemaking proceeding, the FCC granted the application, which had been originally filed by a prior licensee of the station, for a construction permit ("CP") to provide digital service from a proposed tower located at the "Midway Site" using an omni-directional antenna with a centerline height of 215.7 meters Above Ground Level ("AGL") and 223.3 meters Above Mean Sea Level

("AMSL"). *See* BMPCDT-20040204AAK. At the time, WFGX intended to modify and increase the height of an existing tower (ASR No. 1029918) located at the Midway Site, which has a height of 152.5 meters AGL and 160.1 meters AMSL. *See id.*

Following the grant of the CP, the Fort Walton Beach area experienced severe hurricanes that delayed the structural evaluation of the tower necessary for the modification. *See* BEPCDT-20050118ADZ. During the Fall of 2004, Hurricanes Jeanne and Ivan struck the Florida Panhandle region, and in July 2005 Hurricane Dennis also swept through the area. The hurricanes damaged the tower at the Midway Site and also the tower at the site where WFGX subsequently proposed to relocate,¹ costing millions of dollars in repairs. In 2005, after repairs to the 2004 hurricane damage to the towers were underway, WFGX began evaluating the feasibility of increasing the height of the approximately 150 meter tower at the Midway Site and learned that high wind loading conditions in this hurricane-prone area would make increasing the tower height unwise and impractical. On March 7, 2005, WFGX began low-power digital operations pursuant to an STA and started researching the feasibility of moving to another tower in the area. *See* BDSTA-20050307AEG.

In November 2005, WFGX submitted an application requesting Commission authority to modify its digital CP to allow the station to relocate its transmitter site to an existing multi-station tower structure and operate at different technical parameters. *See* BMPCDT-20051108AFS. Grant of the application would serve the public interest by increasing DTV service and introducing new network programming (My Network TV) to more than a half-million people without causing any unacceptable level of new interference to stations in the market. The relocation would also facilitate the expeditious deployment of a full-power DTV station and avoid the unnecessary and costly construction of a new tower in the community. However, because the FCC had imposed a filing freeze on DTV applications that proposed increases in a station's service area, the Media Bureau ("Bureau") in a letter dated March 29, 2006 dismissed the application. WFGX filed a petition for reconsideration of the Bureau decision, which is still pending.²

¹ WEAR-TV, which is owned by the parent company of WFGX, is located on this tower.

² In the petition for reconsideration, WFGX demonstrated that the Bureau misstated and misapplied the standard for granting a waiver of the filing freeze and that, properly considered, the Bureau should have granted the waiver request and the application to modify the station's CP to allow the relocation of WFGX's digital facilities. On May 18, 2006, WFGX and its counsel also met with the Chief of the Video Division and her staff to discuss the pleading, and the station

Footnote continued on next page

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For the above reasons, WFGX submits that good cause exists to grant this waiver request. WFGX has diligently pursued the construction of its full-power digital facilities, but has been delayed by factors beyond its control. *See, e.g., Digital Television Construction Deadline*, 16 FCC Rcd 8122, at ¶ 11 (2001) (weather-related construction delays are circumstances beyond a licensee's control warranting the extension of DTV construction deadlines; delays associated with ascertaining the proper strength of a collocated tower and adherence to strict safety standards warrant the extension of DTV construction deadlines); *see also* Instructions, FCC Form 337, at 2 ("[N]atural disasters [such] as floods tornados, hurricanes, earthquakes and other calamities would be unforeseeable events warranting additional time to construct."). Moreover, given the importance of ensuring that viewers receive over-the-air digital signals and the demonstrated benefits associated with grant of WFGX's application to relocate facilities, which is pending, the public interest would be served by granting WFGX additional time to comply with the replication/maximization deadline.

This submission is accompanied by an Anti-Drug Abuse Certification Form, an FCC Form 159, and a check made payable to the Commission in the amount of \$150.00 to cover the requisite STA filing fee. If there are any questions concerning this request, please contact the undersigned.

Very truly yours,



Kathryn R. Schmeltzer

Tony Lin

Counsel for WFGX Licensee, LLC

Attachments

cc: (by hand delivery)
Barbara Kreisman
Shaun Maher
Clay Pendarvis

Footnote continued from previous page

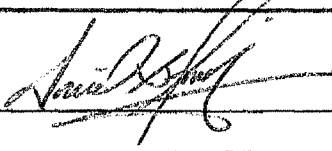
indicated in the meeting that it would be filing this waiver request.

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. §1.2002(b).

☒ Yes

☐ No

WFGX Licensee, LLC Name of Applicant	Signature 
Date <i>5/15/06</i>	Secretary, Treasurer of Sole Member Title

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

(1) LOCKBOX # 358165		<div style="border: 1px solid black; padding: 2px;">SPECIAL USE ONLY</div> <div style="border: 1px solid black; padding: 2px;">FCC USE ONLY</div>	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Sinclair Broadcast Group, Inc.		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$150.00	
(4) STREET ADDRESS LINE NO. 1 c/o Pillsbury Winthrop Shaw Pittman LLP: Attn. K. Schmeltzer			
(5) STREET ADDRESS LINE NO. 2 2300 N Street, NW			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20037
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 663-8217		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0004331096		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME WFGX Licensee, LLC			
(14) STREET ADDRESS LINE NO. 1 c/o Pillsbury Winthrop Shaw Pittman LLP: Attn. K. Schmeltzer			
(15) STREET ADDRESS LINE NO. 2 2300 N Street, NW			
(16) CITY Washington		(17) STATE DC	(18) ZIP CODE 20037
(19) DAYTIME TELEPHONE NUMBER (include area code) (202) 663-8217		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0011277373		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID WFGX-DT	(24A) PAYMENT TYPE CODE MGT	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$150.00	(27A) TOTAL FEE \$150.00	FCC USE ONLY	
(28A) FCC CODE 1 6554		(29A) FCC CODE 2	
(23b) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT			
I, _____, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE _____		DATE _____	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
<div style="text-align: center;"> MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____ </div>			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s) authorization herein described.			
SIGNATURE _____		DATE _____	

Sinclair Broadcast Group, Inc.
10706 Beaver Dam Rd
Cockeysville, MD 21030

REMITTANCE ADVICE

Check No. **115001889**

Date : 16-MAY-06

Vendor Name : FCC

Vendor No. : 431

INVOICE NO.	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT AMOUNT	NET AMOUNT
WFGX-DT	16-MAY-06	5/06 STA EXTENSION FILING	150.00	0.00	150.00
TOTALS			150.00	0.00	150.00

VOID FEATURE PANTOGRAPH WITH MICROPRINT BORDER - TRUE WATERMARK, HOLD UP TO THE LIGHT TO VERIFY

Sinclair Broadcast Group, Inc.
10706 Beaver Dam Rd
Cockeysville, MD 21030

Wachovia Bank, N.A.
Silver Spring, Maryland 20900

65-7293
2550

Check No. **115001889**

Pay One Hundred Fifty Dollars And 00 Cents*****

VENDOR NO.	DATE	AMOUNT
431	16-MAY-06	\$*****150.00

To
The
Order
Of
FCC
WASHINGTON, DC

Authorized Signature

Authorized Signature

115001889 255072935 2079900105432